

PENDING CLAIMS AS AMENDED

Please amend the claims as follows:

1. (Original) In a code division multiple access communication system, a method comprising:

 determining a rate of change of a carrier to interference ratio (C/I) of a communication channel received at a receiver; and

 determining a gain level of said communication channel based on said rate of change of said C/I for transmission of said communication channel to said receiver.

2. (Original) The method as recited 1 further comprising:

 determining whether said rate of change of said C/I is positive; and

 subtracting a gain margin from said gain level of said communication channel to produce a final gain level for transmission of said communication channel to said receiver.

3. (Original) The method as recited in claim 2 wherein a magnitude of said gain margin corresponds proportionally to a magnitude of said rate of change of said C/I.

4. (Original) The method as recited in claim 2 wherein said subtracting includes increasing a data rate of said communication channel.

5. (Original) The method as recited in claim 2 wherein said subtracting includes decreasing a power level of said communication channel.

6. (Original) The method as recited in claim 2 further comprising transmitting said communication channel to said receiver at said final gain level.

7. (Original) The method as recited in claim 1 further comprising:

 determining whether said rate of change of said C/I is negative; and

adding a gain margin to said gain level of said communication channel to produce a final gain level for transmission of said communication channel to said receiver.

8. (Original) The method as recited in claim 7 wherein a magnitude of said gain margin corresponds proportionally to a magnitude of said rate of change of said C/I.

9. (Original) The method as recited in claim 7 wherein said adding includes decreasing a data rate of said communication channel.

10. (Original) The method as recited in claim 7 wherein said adding includes increasing a power level of said communication channel.

11. (Original) The method as recited in claim 7 further comprising transmitting said communication channel to said receiver at said final gain level.

12. (Original) The method as recited in claim 1 further comprising:
determining a mobility level of said communication channel; and
determining whether said determined mobility level meets a low mobility threshold,
wherein said determining said gain level of said communication channel based on said rate of change of C/I depends on whether said determined mobility level meets said low mobility threshold.

13. (Original) In a communication system, an apparatus comprising:
a receiver for receiving a communication channel; and
a controller configured for determining a rate of change of a carrier to interference ratio (C/I) of said communication channel and determining a gain level of said communication channel based on said rate of change of said C/I for transmission of said communication channel to said receiver.

14. (Original) The apparatus as recited in claim 13 wherein said communication system is a code division multiple access communication system.

15. (Original) The apparatus as recited 13 wherein said controller is configured for determining whether said rate of change of said C/I is positive and subtracting a gain margin from said gain level of said communication channel to produce a final gain level for transmission of said communication channel to said receiver.

16. (Currently Amended) The apparatus as recited in claim [[13]] 15 wherein a magnitude of said gain margin corresponds proportionally to a magnitude of said rate of change of said C/I.

17. (Original) The apparatus as recited in claim 15 wherein said subtracting includes increasing a data rate of said communication channel.

18. (Original) The apparatus as recited in claim 15 wherein said subtracting includes decreasing a power level of said communication channel.

19. (Original) The apparatus as recited in claim 15 further comprising a transmitter for transmitting said communication channel to said receiver at said final gain level.

20. (Original) The apparatus as recited 13 wherein said controller is configured for determining whether said rate of change of said C/I is negative and adding a gain margin to said gain level of said communication channel to produce a final gain level for transmission of said communication channel to said receiver.

21. (Original) The apparatus as recited in claim 20 wherein a magnitude of said gain margin corresponds proportionally to a magnitude of said rate of change of said C/I.

22. (Original) The apparatus as recited in claim 20 wherein said adding includes decreasing a data rate of said communication channel.

23. (Original) The apparatus as recited in claim 20 wherein said adding includes increasing a power level of said communication channel.

24. (Original) The apparatus as recited in claim 20 further comprising a transmitter for transmitting said communication channel to said receiver at said final gain level.

25. (Original) The apparatus as recited in claim 13 wherein said controller is configured for determining a mobility level of said communication channel and determining whether said determined mobility level meets a low mobility threshold, wherein said determining said gain level of said communication channel based on said rate of change of C/I depends on whether said determined mobility level meets said low mobility threshold.

26. (Original) In a code division multiple access communication system, an apparatus comprising:

means for determining a rate of change of a carrier to interference ratio (C/I) of a communication channel received at a receiver; and

means for determining a gain level of said communication channel based on said rate of change of said C/I for transmission of said communication channel to said receiver.

27. (Original) The apparatus as recited 26 further comprising:

means for determining whether said rate of change of said C/I is positive; and

means for subtracting a gain margin from said gain level of said communication channel to produce a final gain level for transmission of said communication channel to said receiver.

28. (Original) The apparatus as recited in claim 27 further comprising means for transmitting said communication channel to said receiver at said final gain level.

29. (Original) The apparatus as recited 26 further comprising:

means for determining whether said rate of change of said C/I is negative; and

means for adding a gain margin to said gain level of said communication channel to produce a final gain level for transmission of said communication channel to said receiver.

30. (Original) The apparatus as recited in claim 29 further comprising means for transmitting said communication channel to said receiver at said final gain level.

31. (Original) The apparatus as recited in claim 26 further comprising:
means for determining a mobility level of said communication channel; and
means for determining whether said determined mobility level meets a low mobility threshold, wherein said means for determining said gain level of said communication channel based on said rate of change of C/I depends on whether said determined mobility level meets said low mobility threshold.

32. (Currently Amended) In a communication system, an apparatus comprising:
means for receiving a communication channel; and
~~means for~~ a controller configured for determining a rate of change of a carrier to interference ratio (C/I) of said communication channel and determining a gain level of said communication channel based on said rate of change of said C/I for transmission of said communication channel to said receiver.

33. (Currently Amended) The apparatus as recited 32 wherein ~~said means for~~ said controller is configured for determining whether said rate of change of said C/I is positive, and subtracting a gain margin from said gain level of said communication channel to produce a final gain level for transmission of said communication channel to said receiver.

34. (Original) The apparatus as recited in claim 33 further comprising means for a transmitter for transmitting said communication channel to said receiver at said final gain level.

35. (Currently Amended) The apparatus as recited 32 wherein ~~said means for~~ said controller is configured for determining whether said rate of change of said C/I is negative and adding a

gain margin to said gain level of said communication channel to produce a final gain level for transmission of said communication channel to said receiver.

36. (Original) The apparatus as recited in claim 35 further comprising means for a transmitter for transmitting said communication channel to said receiver at said final gain level.

37. (Currently Amended) The apparatus as recited in claim 33 wherein ~~said means for~~ said controller is configured for determining a mobility level of said receiver and determining whether said determined mobility level meets a low mobility threshold, wherein said determining said gain level of said communication channel based on said rate of change of C/I depends on whether said determined mobility level meets said mobility threshold.

38. (Original) In a code division multiple access communication system, a method comprising:

 determining a rate of change of a carrier to interference ratio (C/I) of a communication channel received at a receiver;

 adjusting a gain level of said communication channel based on said rate of change of said C/I for transmission of said communication channel to said receiver; and

 determining whether said rate of change of said C/I is positive or negative;

 wherein said adjusting includes subtracting, if said rate of change of C/I is positive, a gain margin from said gain level of said communication channel to produce a final gain level for transmission of said communication channel to said receiver;

 wherein said adjusting includes, adding, if said rate of change of C/I is negative, a gain margin to said gain level of said communication channel to produce said final gain level for transmission of said communication channel to said receiver, wherein a magnitude of said gain margin corresponds proportionally to said magnitude of said rate of change of said C/I.

39. (Original) The method as recited in claim 38 further comprising transmitting said communication channel to said receiver at said final gain level.